

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

SHANNON MCLEAN

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-CV-00122-GHD-RP

MISSISSIPPI STATE UNIVERSITY; et al.

DEFENDANTS

**ORDER GRANTING UNOPPOSED MOTION TO ENTER FINAL JUDGMENT AS TO
DISMISSED INDIVIDUAL DEFENDANTS AND STAYING PROCEEDINGS**

Presently before the Court is the Plaintiff's unopposed motion [37] for an entry of final judgment as to the individual Defendants Dr. Andrew Mackin, Dr. Gary Burt, and Julie Burt, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Upon due consideration, the Court finds that the motion should be granted and that the Plaintiff's remaining claims in this matter should be stayed pending the resolution of any appeal regarding the Court's July 14, 2020, opinion and order dismissing those individual defendants from this litigation.

The Plaintiff filed this action against MSU, its President in his official capacity, and three other MSU employees in their respective individual capacities, asserting claims for sex discrimination and retaliation in violation of Title IX, 42 U.S.C. § 1983, and the Due Process and Equal Protection Clauses of the U.S. Constitution [1]. The Defendants, other than MSU, filed a motion [17] seeking dismissal of the Plaintiff's claims, asserting, *inter alia*, that the individual Defendants were entitled to qualified immunity. On July 14, 2020, the Court granted the motion in part, finding that the individual Defendants were entitled to qualified immunity [26, 27]. The Court ruled that the Plaintiff's claims against President Keenum, in his official capacity, and against MSU should proceed.

The Plaintiff has now filed the pending motion, seeking to have the Court direct entry of a final judgment as to the three individual defendants. The Court finds there is no just reason for

delay in directing entry of such a judgment, and thus holds that its July 14, 2020, opinion and order [26, 27] are hereby certified as a final judgment as to the Plaintiff's claims against the individual defendants Dr. Andrew Mackin, Dr. Gary Burt, and Julie Burt.

THEREFORE, it is hereby ORDERED that the Plaintiff's Unopposed Motion to Enter Final Judgment as to the Defendants Dr. Andrew Mackin, Dr. Gary Burt, and Julie Burt [37] is GRANTED pursuant to Rule 54(b) of the Federal Rules of Civil Procedure; the Court further rules that these proceedings are hereby STAYED pending any appeal regarding the Court's July 14, 2020, opinion and order dismissing the individual defendants from this litigation.

SO ORDERED, this, 17th day of September, 2020.



SENIOR U.S. DISTRICT JUDGE